

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
TRUSTEES OF THE PAVERS AND ROAD
BUILDERS DISTRICT COUNCIL WELFARE,
PENSION, ANNUITY AND LOCAL 1010
APPRENTICESHIP, SKILL IMPROVEMENT
AND TRAINING FUNDS,

MEMORANDUM AND ORDER

Plaintiffs,

Case No. 1:20-cv-01834-FB-SJB

-against-

PCM CONTRACTING CORP.,

Defendant.

-----X

BLOCK, Senior District Judge:

On February 3, 2022, Magistrate Judge Sanket J. Bulsara issued a Report and Recommendation (“R&R”), recommending that the pending motion for default judgment be granted in part and denied in part. *See* ECF No. 39 at 2. The R&R also recommended that “judgment be entered against PCM Contracting Corp. (“PCM”) as follows: \$4,147.61 in interest; \$15,925.98 in liquidated damages; \$8,592.00 in attorney’s fees; and \$489.38 in costs,” as well as “post-judgment interest in an amount to be calculated by the Clerk of Court pursuant to 28 U.S.C. § 1961(a).” *See id.* at 24.

The R&R stated that failure to object within fourteen days of the date of the R&R would preclude further review. No objections were filed. If clear notice has

been given of the consequences of failing to object and there are no objections, the Court may adopt the R&R without de novo review. *See Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) (“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”) (internal citations omitted). The Court will excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears in Magistrate Judge Bulsara’s thorough and well-written decision.

Accordingly, the Court **ADOPTS** the R&R in full. Default judgment against PCM is granted in part and denied in part. Plaintiffs are to be awarded damages comprised of: (i) \$4,147.61 in interest, (ii) \$15,925.98 in liquidated damages, (iii) \$8,592.00 in attorney’s fees, (iv) \$489.38 in costs, and (v) post-judgment interest in an amount to be calculated by the Clerk of Court.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
February 24, 2022